
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38

Session of
1995

INTRODUCED BY SHEEHAN, RYAN, PERZEL, BARLEY, FARGO,
D. W. SNYDER, E. Z. TAYLOR, PHILLIPS, PITTS, BIRMELIN, BROWN,
BROWNE, CHADWICK, CIVERA, CLARK, CLYMER, CORNELL, DEMPSEY,
DIGIROLAMO, DURHAM, EGOLF, FAIRCHILD, FARMER, FICHTER,
FLEAGLE, FLICK, GEIST, GLADECK, GODSHALL, HABAY, HARHART,
HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, LEH, LYNCH, MARSICO,
MERRY, MILLER, NAILOR, NYCE, PETTIT, PLATTS, RAYMOND, REBER,
RUBLEY, SAYLOR, SCHULER, SEMMEL, STAIRS, STRITTMATTER, TRUE,
WAUGH, M. N. WRIGHT, ZIMMERMAN, ZUG AND STERN,
JANUARY 20, 1995

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 20, 1995

AN ACT

1 Providing for the maintenance and transfer of certain
2 disciplinary records, for exclusion from attendance and for
3 penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Individual's pupil record." Those records included and
11 maintained by a school district on an individual pupil which
12 meet the requirements of 22 Pa. Code §§ 12.31 (relating to
13 general requirements), 12.32 (relating to elements of the plan)
14 and 12.33 (relating to guidelines) and any other applicable

1 regulations of the State Board of Education.

2 Section 2. Disciplinary Records.

3 (a) General rule.--Prior to admission to any public school
4 of this Commonwealth, a board of school directors shall require
5 the parent, guardian or other person having control or charge of
6 a child of minimum compulsory school age to provide, upon
7 registration, a sworn statement or affirmation indicating if and
8 why the pupil has been suspended or expelled from school
9 attendance at a public or private school of this Commonwealth or
10 of any other state for an offense in violation of school
11 policies relating to weapons, alcohol or drugs, for the willful
12 infliction of injury to another person or for any other conduct
13 which violates school policy. The registration document shall be
14 maintained as a part of the individual's pupil record.

15 (b) Penalty.--Any person who makes a willfully false
16 statement under this subsection commits a misdemeanor of the
17 third degree.

18 Section 3. Transfer of records.

19 Whenever a pupil transfers from one school district to
20 another, a certified copy of the individual's pupil record shall
21 be transferred to the school district to which the pupil
22 transfers.

23 Section 4. Availability of records.

24 Every individual's pupil record shall be available to the
25 pupil and his parent, guardian or other person having control or
26 charge of the pupil for inspection during the regular school
27 day. However, permission of the parent, guardian or other person
28 having control or charge of the pupil shall not be required for
29 transfer of the individual's pupil record to another school or
30 school district within or without this Commonwealth in which the

1 pupil seeks enrollment or is enrolled.

2 Section 5. Maintenance of records listing incidents of
3 delinquent activity.

4 All public and private schools in this Commonwealth shall
5 maintain updated records listing any incidents of violence,
6 convictions of possession or abuse of controlled substances, as
7 defined in the act of April 14, 1972 (P.L.233, No.64), known as
8 The Controlled Substance, Drug, Device and Cosmetic Act, and
9 convictions of crimes against school staff and property
10 committed by pupils enrolled in each respective institution on
11 both a district-wide and school-by-school basis. These records
12 shall be in the format required by the Pennsylvania State
13 Police. The Pennsylvania State Police shall develop this format
14 within 90 days of the effective date of this act. A statistical
15 summary of these records shall be made accessible to the public
16 for examination by the school district during regular business
17 hours. Individual records of events described in this act shall
18 be made accessible only to the pupil in question, to a parent or
19 guardian of that pupil, and to any other authority granted such
20 power by law.

21 Section 6. Effective date.

22 This act shall take effect in 60 days.